

STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

On this the 10th day of January, 2017, the City Council of the City of Port Lavaca, Texas, convened in special session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

Jack Whitlow	Mayor
Jerry Smith	Councilman, District 1
Tim Dent*	Councilman, District 2
Lee Rivera	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6, Mayor Pro Tem

*Arrived 6:50 pm (after vote taken on Agenda Item #2, Consider Resolution No. R-011017-1E).

And with the following absent:

None

Constituting a quorum for the transaction of business, at which time the following business was transacted:

CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:34 P.M. and presided.
- Councilman Ward gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor Whitlow presented Employee Service Awards to the following:
 - Carlos Lopez Streets Department 35 years (Not in attendance)
 - Todd Heiman Fire Department 10 years (Not in attendance)
 - Kenneth Pyle Police Department 5 years
 - Lorena Perez-Diaz City Secretary/H R 5 years (Not in attendance)
- Mayor asked for comments from the public and there were none.

CONSENT AGENDA:

- (A) **MINUTES OF DECEMBER 08, 2016 SPECIAL MEETING**
- (B) **MINUTES OF DECEMBER 12, 2016 REGULAR MEETING**
- (C) **CONSIDER REQUEST OF CALHOUN CITIZENS IN ACTION (CCIA) FOR PARADE PERMIT IN CONNECTION WITH MARTIN LUTHER KING CELEBRATION ON SATURDAY, JANUARY 14, 2017, TRAFFIC CONTROL BY POLICE DEPARTMENT AND WAIVER OF ANY RELATED FEES**
- (D) **PAYMENT OF INVOICES EXCEEDING \$1,500**

Councilman Ward made a motion to pass the following:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with recommendation of staff, Council hereby approves all consent agenda items as listed, with the exception of agenda item "C" since parade has been cancelled.

Councilman Barr seconded this motion.

Motion passed by the following vote:

AYES: Smith, Rivera, Padron, Ward and Barr

NAYS: None

CONSIDER RESOLUTION NO. R-011017-1E ESTABLISHING PROVISIONS FOR CONDUCT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 06, 2017 AND AUTHORIZING MAYOR TO ISSUE ORDER OF ELECTION

Councilman Barr made a motion to pass the following:

WHEREAS, in accordance with the City Charter of the City of Port Lavaca, the Texas Election Code and other applicable state and federal laws, the City Council of the City of Port Lavaca, Texas hereby finds that a general officers election should be held on Saturday, May 06, 2017.

WHEREAS, in addition to calling and ordering the general officers election, City Council finds it necessary and expedient to establish provisions for the conduct of such election:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

SECTION 1. THAT, an election shall be held on Saturday, May 06, 2017, which is a uniform election date, in the City of Port Lavaca, Texas, which date is not less than forty-five (45) days from the date of the adoption of this resolution for the purpose of electing the following officers:

- One Council Member, Single District One (1), for a term of 3 years; and
- One Council Member, Single District Three (3), for a term of 3 years; and

SECTION 2. THAT, the Qualifications for Office, per City Charter Article 4.02, are as follows:

- a) In addition to the requirements of state law, at the time of election to office, the Mayor and each member of Council shall be at least twenty one (21) years of age, shall be a United States citizen and qualified voter of the State of Texas, shall have resided in the City for not less than one (1) year immediately preceding the election filing deadline and, if elected from a district, shall have resided in the district from which elected for not less than six (6) months immediately preceding the election filing deadline.
- b) Candidates for office shall make a sworn application for a place on the ballot within the times prescribed by the Texas Election Code, and pay any filing fee established by ordinance. Applications shall designate the position sought and applications for council member shall include the district number, if applicable. It shall be the duty of the Office of the City Secretary of the City of Port Lavaca to place the name of all qualified candidates making timely application on the official ballot. Legal proof of length of residency in the City and/or district must be presented to the Office of the City Secretary upon filing for office.

SECTION 3. THAT, per City Charter, Article 4.03, the candidate receiving a majority of the votes cast for the office sought shall be elected to that office. In the event no candidate receives a majority of the votes cast at the regular election, then and in that event, a run-off election shall be held in accordance with Texas Election Law following procedures therein.

SECTION 4. THAT, the Office of the City Secretary of the City of Port Lavaca shall consist of the City Secretary and/or the Assistant City Secretary and shall perform all duties necessary to conduct the general officers election.

SECTION 5. THAT, the Office of the City Secretary, is expressly authorized to obtain election supplies and equipment required by law and necessary to conduct such election.

SECTION 6. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days and the Election Day voting to be at the following polling place designated for each City election district:

DISTRICT NUMBER**POLLING PLACE**

District One	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Two	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Three	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Four	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Five	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Six	City of Port Lavaca City Hall -Main Lobby 202 N. Virginia Street

SECTION 7. THAT, Early Voting Days shall be conducted during the following schedule:

Monday	April	24	from	8:00	a.m.	to	5:00	p.m.
Tuesday	April	25	from	7:00	a.m.	to	7:00	p.m.
Wednesday	April	26	from	8:00	a.m.	to	5:00	p.m.
Thursday	April	27	from	7:00	a.m.	to	7:00	p.m.
Friday	April	28	from	8:00	a.m.	to	5:00	p.m.
Monday	May	1	from	8:00	a.m.	to	5:00	p.m.
Tuesday	May	2	from	8:00	a.m.	to	5:00	p.m.

Early voting by personal appearance shall be conducted during the regular business hours of the Office of the City Secretary each week day from 8:00 a.m. until 5:00 p.m., except for the second and fourth days of the early voting period by personal appearance. On the second and fourth days of early voting by personal appearance, the Office of the City Secretary's regular business hours are hereby designated as 7:00 a.m. until 7:00 p.m.

SECTION 8. THAT, Election Day Voting shall be conducted during the following date and time:

Saturday	May	06	from	7:00	a.m.	to	7:00	p.m.
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SECTION 9. THAT, Notice of the election, including a Spanish translation thereof, shall be posted at City Hall and published in a local newspaper as provided by the Home Rule Charter of the City of Port Lavaca, the Texas Election Code and/or other state and federal law, and the Mayor, or his designee, is hereby authorized and directed to execute such Notice together with an Order calling such election.

SECTION 10. THAT, should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 11. THAT, this resolution shall be effective immediately upon adoption.

Councilman Rivera seconded said motion

Motion passed by the following vote:

AYES: Smith, Rivera, Padron, Ward and Barr

NAYS: None

**CONSIDER APPROVAL OF FINAL BUDGET AMENDMENTS FOR 2015-2016
FISCAL YEAR ENDING SEPTEMBER 30, 2016**

Interim Finance Director Mason went over the final budget amendments for the 2015-2016 fiscal year ending September 30, 2016, a copy of which is in the office of the Finance Director.

Councilman Barr made a motion to pass the following:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with recommendation of staff, Council hereby approves the final budget amendments for the 2015-2016 fiscal year ending September 30, 2016, as presented.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron, Ward and Barr

NAYS: None

CONSIDER REIMBURSEMENT TO FIRE CHIEF AND BUILDING OFFICIAL FOR COST OF USING PERSONAL WIRELESS PHONE EQUIPMENT FOR CITY-RELATED BUSINESS IN THE MONTHS OF OCTOBER, NOVEMBER AND DECEMBER 2016 AT RATE OF \$50.00 PER MONTH PER INDIVIDUAL

City Secretary Grant advised Council that the City of Port Lavaca HR and Workplace Policies, Sub-Section 6.06.06 Cell Phone Allowance was amended by City Council at a special meeting held on September 26, 2016 to read as follows:

"The City Council may authorize a cell phone allowance to a city employee, in an amount specified in a written contract."

Before this date, certain employees had a choice of either using a city-owned wireless phone or receiving a \$50.00 per month cell phone allowance. It was determined by the City Manager to have these employees use a city-owned wireless phone; however, there have been some delays in the delivery and these employees are still using personal equipment. The specific employees are Fire Chief Joe Reyes, Jr. and Building Official Byron Smith. The period for reimbursement are for the months of October, November and December 2016 at a rate of \$50.00 per month per individual. There are funds allocated in the budget and staff recommends Council approve reimbursement, in the amount of \$150.00 each.

Councilman Ward made a motion to pass the following:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with recommendation of staff, Council hereby acknowledges the period for reimbursement are for the months of October, November and December 2016 at a rate of \$50.00 per month per individual and approves reimbursement to Fire Chief Joe Reyes, Jr. and Building Official Byron Smith, in the amount of \$150.00 each, for using personal wireless equipment to conduct city-related business.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron, Ward and Barr

NAYS: None

CONSIDER RESOLUTION NO. R-011017-2 AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Councilman Smith made a motion to pass the following:

WHEREAS, the City of Port Lavaca desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and

WHEREAS, certain conditions exist within the community which represent a potential risk to the public health and safety;

WHEREAS, it is necessary and in the best interests of the City of Port Lavaca to apply for funding under the 2017-2018 Texas Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

- Section 1. That a Community Development Block Grant application is hereby authorized to be filed with the Texas Department of Agriculture for funding consideration under the Community Development Fund;
- Section 2. That the application be for up to \$275,000 of grant funds to carry out sewer improvements and upgrades in the City of Port Lavaca;
- Section 3. That minimum matching funds in the amount of \$55,000 in cash are committed by the City of Port Lavaca from the utility fund toward the application activities;
- Section 4. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements; and
- Section 5. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the Community Development Block Grant Program.

Councilman Rivera seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron, Ward and Barr

NAYS: None

ADJOURN

Councilman Barr made a motion to adjourn the meeting

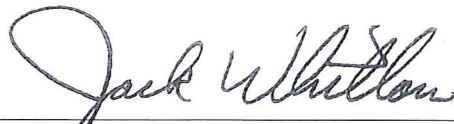
Councilwoman Padron seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron, Ward and Barr

NAYS: None

Meeting adjourned at 7:03 P.M.



Jack Whitlow, Mayor

ATTEST:



Mandy Grant, City Secretary

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS, WILL HOLD A SPECIAL MEETING TUESDAY, JANUARY 10, 2017 BEGINNING AT 6:30 P.M., AT THE REGULAR MEETING PLACE IN COUNCIL CHAMBERS AT CITY HALL, 202 NORTH VIRGINIA STREET, PORT LAVACA, TEXAS TO CONSIDER THE FOLLOWING ITEMS OF BUSINESS:

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

(All matters listed under the Consent Agenda item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.)

- CALL TO ORDER
- INVOCATION
- PLEDGE OF ALLEGIANCE
- PRESENTATIONS BY THE MAYOR
 - EMPLOYEE SERVICE AWARDS:
 - CARLOS LOPEZ STREETS DEPARTMENT 35 YEARS
 - TODD HEIMAN FIRE DEPARTMENT 10 YEARS
 - KENNETH PYLE POLICE DEPARTMENT 5 YEARS
 - LORENA PEREZ-DIAZ CITY SECRETARY/H R 5 YEARS
- COMMENTS FROM THE PUBLIC
(Limited to 3 minutes per individual unless permission to speak longer is received in advance)

AGENDA: (COUNCIL WILL CONSIDER/DISCUSS THE FOLLOWING ITEMS AND TAKE ANY ACTION DEEMED NECESSARY)

1. CONSENT AGENDA:
 - (A) MINUTES OF DECEMBER 08, 2016 SPECIAL MEETING
 - (B) MINUTES OF DECEMBER 12, 2016 REGULAR MEETING
 - (C) CONSIDER REQUEST OF CALHOUN CITIZENS IN ACTION (CCIA) FOR PARADE PERMIT IN CONNECTION WITH MARTIN LUTHER KING CELEBRATION ON SATURDAY, JANUARY 14, 2017, TRAFFIC CONTROL BY POLICE DEPARTMENT AND WAIVER OF ANY RELATED FEES
 - (D) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER RESOLUTION NO. R-011017-1E ESTABLISHING PROVISIONS FOR CONDUCT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 06, 2017 AND AUTHORIZING MAYOR TO ISSUE ORDER OF ELECTION
3. CONSIDER APPROVAL OF FINAL BUDGET AMENDMENTS FOR 2015-2016 FISCAL YEAR ENDING SEPTEMBER 30, 2016
4. CONSIDER REIMBURSEMENT TO FIRE CHIEF AND BUILDING OFFICIAL FOR COST OF USING PERSONAL WIRELESS PHONE EQUIPMENT FOR CITY-RELATED BUSINESS IN THE MONTHS OF OCTOBER, NOVEMBER AND DECEMBER 2016 AT RATE OF \$50.00 PER MONTH PER INDIVIDUAL

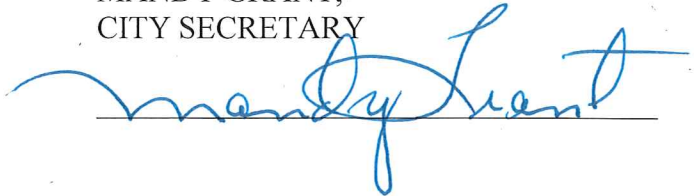
ADJOURN

JACK WHITLOW, MAYOR

CERTIFICATION OF POSTING NOTICE

THIS IS TO CERTIFY THAT THE ABOVE NOTICE OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PORT LAVACA, SCHEDULED FOR TUESDAY, JANUARY 10, 2017, BEGINNING AT 5:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 2:00 P.M. SATURDAY, JANUARY 07, 2017.

MANDY GRANT,
CITY SECRETARY



The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.